IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 23346 of 2004

Between:

S.Subba Rao S/o.Late S.Kamayya

Hindu, aged 59 years, Retired,
Plot No.62, Sector-8, MVP Colony,
Visakhapatnam.

..... PETITIONER

AND

1 Visakhapatnam Port Trust
Visakhapatnam A.P.,
2 Visakhapatnam Port Educational Society Correspondent & Secretary
4th Floor, DLB Building,
Visakhaptnam-35.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or Direction especially a writ of Mandamus by declaring that the action of the Respondents in not extending the medical facilities to the petitioner in terms of the Resolution No.144/92-93 dt 8/9/02 of the Board of Trustees of Visakhapatnam port Educational Society and as circulated by the Labour Officer-I, Visakhapatnam Port Trust in Proc.No.LO/W-II/VPES/MF/85/3043 dt 19/09/92 as unjust and arbitrary and violative of principles of natural justice, equity and fair play and in consequence thereof declare that, the petitioner is entitled to medical facilities as per the above Resolution No.144/92-93 dt 8/9/92 of the Board of Trustees, Visakhapatnam, in the interest of justice and to pass any other order or orders.

Counsel for the Petitioner: MR.K.SURYANARAYANA

Counsel for the Respondents: MR.P.SRIRAGHURAM

The Court made the following:

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ORDER:

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In not extending the medical facilities to the petitioner in terms of the Resolution No.144/92-93, dated 08.09.1992 of the Board of Trustees of Visakhapatnam Port Educational Society and as circulated by the Labour Officer-I, Visakhapatnam Port Trust in Proceedings No.LO/W-II/VPES/MF/85/3043, dated 19.09.1992, the present writ petition is filed.

The learned counsel for the petitioner contended that though the petitioner retired from service in the year 2003, the respondents are not extending the medical facilities, and for that the writ petitioner made a representation to the respondents on 06.02.2004, and the same has not been considered.

The learned standing counsel for the respondents contended that the writ petitioner is not entitled for any medical benefits in view of the Visakhapatnam Port Trust Employees' Contributory Outdoor and Indoor Medical Benefit (after Retirement) Regulations, 1992, if he is otherwise eligible, his case can be considered in accordance with the regulations.

Therefore, without going into the merits of the case, the Writ Petition is disposed of, directing the respondents to consider the representation of the petitioner dated 06.02.2004, in accordance with the Visakhapatnam Port Trust Employees' Contributory Outdoor and Indoor Medical Benefit (after Retirement) Regulations, 1992, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Chairman,

Visakhapatnam Port Trust,

Visakhapatnam, A.P.

2. The Correspondent & Secretary,

Visakhapatnam Port Educational Society,

4th Floor, DLB Building, Visakhapatnam-35

3. Two CD copies